

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHNNY L. SMALL,,)

No. C 07-3694 MJJ (PR)

Petitioner,)

ORDER OF DISMISSAL

v.)

M.S. EVANS, Warden,)

(Docket Nos. 2 & 4)

Respondent.)

_____)

Petitioner filed a pro se petition for a writ of habeas corpus on July 18, 2007. That same day, the court notified petitioner he had neither paid the filing fee nor submitted a completed application for leave to proceed in forma pauperis ("ifp"). Specifically, the notice informed petitioner he had not submitted a certificate of funds in his trust account completed and signed by a prison official, nor had he submitted a copy of his prisoner trust account statement showing transactions for the last six months. A copy of the court's form ifp application was provided to petitioner with the notice, along with a postage paid return envelope and instructions for completing the ifp application, including the filing of a completed certificate of funds form and the requisite trust account statement. Petitioner was informed that if he did not either pay the fee or file the completed ifp application within thirty days the case would be dismissed. On July 31, 2007, petitioner submitted another ifp application with the same deficiency, namely the certificate of funds form was not completed or signed by a prison official and no trust account statement was submitted. Petitioner has not filed any further response to the deficiency notice.


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1 As petitioner has neither paid the filing fee nor filed a completed ifp application, this
2 case is hereby DISMISSED without prejudice. The incomplete IFP applications are
3 DENIED.

4 The clerk shall close the file and terminate Docket Nos. 2 & 4..

5 IT IS SO ORDERED.

6 DATED: September 20, 2007

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8 MARTIN J. JENKINS
9 United States District Judge
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